

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

1:19-CR-00437-JB

PATRICK YELLOWHAIR,

Defendant.

UNOPPOSED MOTION TO CONTINUE SENTENCING SETTING

Patrick Yellowhair, the defendant, by and through his attorney of record, Amanda Lavin, Assistant Federal Public Defender, moves this Court for an order continuing the sentencing setting of August 6, 2019, as well as related deadlines. Assistant United States Attorney Allison Jaros, Esq., was contacted regarding the government's position on this motion, and does not object. In support of his motion, Mr. Yellowhair states as follows:

1. Mr. Yellowhair entered a plea of guilty in this matter on February 15, 2019.
2. This case is set for sentencing on August 6, 2019. Mr. Yellowhair is currently in the custody of the U.S. Marshal Service on this matter.
3. The Presentence Investigation Report (PSR) [Doc. 23] was filed on May 16, 2019.

4. On May 30, 2019, Mr. Yellowhair, through counsel, filed a motion to continue sentencing in this matter, citing the need for additional time to review the presentence report and adequately prepare for sentencing [Doc. 26].
5. This court granted Mr. Yellowhair's unopposed motion on June 18, 2019, and rescheduled this matter for sentencing on August 6, 2019 [Doc. 27].
6. Mr. Yellowhair respectfully request the court continue sentencing in this matter for another 30 days.
7. A continuance of 30 days is necessary because undersigned counsel is in the midst of investigation and mitigation work that is vital Mr. Yellowhair's representation. More time is necessary to complete said investigation and preparation for sentencing.
8. Without a continuance of the sentencing hearing, Mr. Yellowhair will not be adequately prepared to address the court regarding sentencing pursuant to his rights under Fed. R. Crim. P. 3232(i)(4).
9. Allison Jaros, attorney for the United States, is not opposed to a 30-day continuance of the sentencing hearing.
10. A continuance as set forth above will not prejudice either party, and is not premised upon congestion of the court's docket.

WHEREFORE, defendant respectfully requests that the court grant a 30-day continuance of the sentencing setting of August 6, 2019.

FEDERAL PUBLIC DEFENDER

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Electronically filed July 12, 2019

/s/ Amanda Lavin
Assistant Federal Public Defender
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